



# City of Santa Barbara

## Police Department

[www.sbpdc.com](http://www.sbpdc.com)

January 18, 2019

RE: PRA Revenge Porn reports

Dear Ms. Tolentino,

**Chief's Office**

805.897.2395

**General Information**

805.897.2300

**Animal Control**

805.963.1513

**Business Office**

805.897.2400

**Community Services**

805.897.3717

**Dispatch**

805.897.2410

**Office of Emergency Services**

805.897.3725

**Parking**

805.897.2360

**Patrol**

805.897.2392

**Records**

805.897.2355

215 E. Figueroa St.

Santa Barbara, CA

93101

PO Box 539

Santa Barbara, CA

93102

The Santa Barbara Police Department found a total of six cases that met the criteria you requested. You will see a synopsis of each case attached to this letter.

Per section 6254 (f)(2) of the California Government Code, those requesting public information from the Santa Barbara Police Department are entitled to the following information.

1. The time, date, and location of an occurrence
2. The time and date of a report
3. The name and age of victims (except when confidentiality has been requested in specified cases involving sexual incidents or domestic violence)
4. The factual circumstances surrounding the crime or incident
5. A general description of any injuries, property or weapons involved

Information pertaining to active investigations, juvenile arrestees, or any information that may endanger the safety of a person involved in an investigation will not be released.

Please let me know if you have any questions.

Thank you,

Margarita A. Moreno  
Police Records Manager  
Santa Barbara Police Department

**Requested Report:** 2014-18397

**Date, time, and location of occurrence:** 2/10/2014 at 12:00 AM at 1320 Cacique Street.

**The date and time of a report:** 3/14/2014 at 6:48 PM.

**The name and age of victim(s):** Confidential.

**The factual circumstances surrounding the crime or incident:** On 3/14/14 at approximately 6:37 PM, a female reported to the police that her boyfriend posted an inappropriate picture of her on social media websites and refused to remove it. The victim contacted the social media websites and asked them to remove the picture to no avail. At this time the victim wanted a police report so that she could send it to social media websites and attempt to have them take the picture off their website. The victim repeated numerous times that she was suffering serious emotional distress over the suspect's public posting of suggestive photos of her and refusing to remove the photos.

On 3/28/14 at approximately 9:30 PM the victim reported that the suspect had posted another picture of her on social media. The victim reported that the previous evening she was at a downtown bar and ran in to the suspect, but ignored him and thought that he likely posted the picture because he was upset he was ignored and she had not contacted him since her first report to police.

On 4/1/14 the suspect was served with an arrest warrant. In speaking with the suspect he said that he never took the images down, and that in his thinking, the photos only showed her mostly nude torso but not her face, so it was okay for him to post them despite her demand that he remove them. The suspect said that he was using the victim to "promote" by having her hold Spearmint Rhino business cards in front of her nipples.

On 4/1/14, detectives sent a law enforcement request to the social media websites for the images of the victim to be removed from the suspect's profile/page.

The suspect was transported and booked at the Santa Barbara County Jail.

**General description of any injuries, property or weapons involved:** None.

**Requested Report:** 2015-43821

**Date, time, and location of occurrence:** 6/24/205 at 1:20 PM at 1221 Punta Gorda St.

**The date and time of a report:** 6/24/205 at 2:13 PM

**The name and age of victim(s):** Confidential.

**The factual circumstances surrounding the crime or incident:** The victim contacted Santa Barbara Police to report that her ex-boyfriend threatened to post sexual videos of her on Facebook.

The victim said that she broke up with the suspect in 2013, but that they dated for four years prior. She also reported that approximately one year ago, one of her uncles told her that the suspect had shown a nude photo of the victim. The victim said she never allowed her ex-boyfriend to take a nude photo of her.

The victim said that since their breakup, the suspect had repeatedly tried to get in touch with her. Recently, she heard that the suspect told a friend that if she did not respond to his attempts, he would post a "sexual video" of her on Facebook to embarrass her. The victim told Officers that she never consented to the suspect taking a sexual video of her.

Officers spoke with the suspect, who admitted that he had sexual videos of the victim in his possession. Officers warned the suspect about 647(j)4(a) PC - revenge porn. The suspect told Officers that he would post the videos if he wanted to and then hung up.

At the time the victim made the report to Officers, no videos had been posted.

**General description of any injuries, property or weapons involved:** None.

**Requested Report:** 2016-72638

**Date, time, and location of occurrence:** 10/1/2016 at 12:00 PM at 1107 San Andres Street.

**The date and time of a report:** 11/8/16 at 1:05 AM

**The name and age of victim(s):** Confidential.

**The factual circumstances surrounding the crime or incident:** On 11-7-16, at approximately 2130 hours, police responded to 1107 San Andres St., on a report of suspicious circumstances regarding inappropriate postings on Craigslist. The victim reported that she arrived and called the police because of numerous harassing problems she has been having with her ex-boyfriend.

The victim reported that she broke up with her boyfriend on 10-1-2016 after she had gone over to his house and discovered a "meth pipe." She ended the relationship and since then he has called her numerous times. She estimated an average of 12 times per day. He repeatedly calls while she is at work and she cannot answer. She eventually has to answer so the phone would stop ringing and she asks him what he wants. She said he continually tries to meet up with her but she refuses. She has blocked his phone number several times and he ends up calling her from different phone numbers but most of the time he calls from a blocked number. She said she is unable to block an incoming call with no ID so the calls are received. She allowed police to look through her phone log and they saw numerous calls from a no caller id phone number. On one day 36 phone calls were received.

The victim said she decided to call the police today because she discovered a Craigslist posting put up by someone else, who she believes is her ex-boyfriend, soliciting for oral sex. Her phone number was also posted so she has been receiving numerous calls from people expecting to receive the service as posted on Craigslist. The victim provided a copy of the posting which was booked for evidence.

The victim also mentioned that while they were dating, her ex-boyfriend had secretly recorded them having sex. She noticed the phone recording after and believed she deleted it, only to find out he still had a copy. After they broke up he sent it to a male friend of hers without her knowledge. The victim showed a screenshot of a reply her male friend replied to the suspect stating he did not know who he was and not to be sending him those types of videos.

Through a records check it was discovered the suspect had an outstanding warrant for his arrest for an unrelated event. Officers located him and took him in to custody without incident. After taking him into custody and placing him in the back of a patrol vehicle, the suspect was advised police had questions regarding another issue. In a spontaneous and unsolicited response, the suspect said he had nothing to do with what was posted. Officers believed he was referencing the Craigslist posting. The suspect said he did call the victim several times a day, but mainly in response to her calling or texting him. At times she would not answer and he would call until she answered. At one point, he said he did not believe it was a crime to call someone that many times. He also said he had nothing to do with the posting on Craigslist.

The suspect was booked in County Jail for the warrant.

On November 15, 2016, detectives contacted the victim for follow-up and that based on the allegations raised by her, the suspect had committed the following misdemeanor violations against her:

- 647(j)(1)(3)(A) PC - illegal recording
- 647(j)(4)(A) PC - distribution / revenge porn
- 653.2 PC - electronic harassment
- 653(m) PC - annoying calls

The victim did not come to the station on November 16th, 2016, as she said she would. When reached by telephone, she said that she did not want evidence downloaded from her phone. She said she was not interested in going to court over the case and felt that since the suspect had not called her in 3 or 4 days, she was no longer worried about his behavior. The victim told detectives she no longer wanted to pursue the case and did not want to press any criminal charges against the suspect. Case closed.

**General description of any injuries, property or weapons involved:** None.

**Requested Report:** 2017-62612

**Date, time, and location of occurrence:** 10/5/2017 at 4:20 PM at 2534 Murrell Road.

**The date and time of a report:** 10/5/2017 at 4:20 PM.

**The name and age of victim(s):** Confidential.

**The factual circumstances surrounding the crime or incident:** During the last week of September 2017, District Attorney's Victim-Witness contacted Santa Barbara Police Detectives and requested assistance with an investigation into the illegal distribution of pornographic matter. It was explained that the victim had contacted them, explained her situation, and asked for assistance from law enforcement. The victim and a former boyfriend made a video recording of them having sex in 2014. The two of them subsequently broke up. The victim later learned that her ex-boyfriend had apparently posted the video on a pornography site without her consent.

On 10-02-17 Detectives received emails from the victim that contained the suspect's identifying information and a series of screen shots. Several of the screen shots show the victim's attempts to have the video

removed from three pornography sites. Two of the screen shots are still photos from the video in question on Pornhub.com. Two screen shots are an email RSVP that was sent to a website that the victim had created when she was getting married in 2016. The RSVP had a link to an internet site that led to an article on Vice.com about sex. The victim believes that her ex-boyfriend sent the RSVP with the inappropriate link.

The victim's email explained that she first found the video online in May, 2017. Since that time she has been attempting to have various pornography sites take the video down and has hired an attorney to assist her with her efforts.

The victim told detectives that she was aware that the video was being made at the time, but never consented to having it shared with anyone or distributed in any way. She asked him about the video at one point later on in their relationship and he told her that he deleted it. She said that she had preserved the video by making a copy of it from the internet, and was attempting to locate any additional pornography sites which might have the video. She had contacted several sites already and was in the process of attempting to have the video removed from those sites.

The victim told detectives that she met her ex-boyfriend in 2014 and they moved to California together but that her ex-boyfriend began to abuse drugs and his personality changed and he became emotionally abusive and paranoid, and started checking in on her at work and otherwise following her. In March of 2015 he admitted to her that he had been following her. She was upset to learn that and asked him to leave. He left the house and spent the night at a motel. The next morning she woke up to discover him standing over her, watching her sleep. She broke up with him shortly thereafter.

In May, 2016, she received the inappropriate RSVP and link on her wedding website.

In March, 2017, the victim's husband was looking at a website that contains pornographic videos. He saw a video that appeared to be the victim having sex with someone. He told her about it and she watched the video and realized that the video she made with her ex-boyfriend had been posted on the website. She contacted Pornhub and they removed the video.

In May, 2017, a friend of hers contacted her via Instagram and told her that another friend came across a video and thought that it was the victim in the video. They wanted her to be aware of the video. She checked that site, XNXX.com, and saw that it was the same video. In September, 2017, the victim started making a concerted effort to find the video on various sites, so she could have it removed. She learned that it had been posted several times, on a variety of sites.

On 11-20-17 the victim reported that her ex-boyfriend had responded to her Facebook message requesting he stop distributing the video. He told her that he was also aware that the video had been posted. He said that he had deleted the video and never uploaded it. He did not know how it was posted and speculated that someone "pirated" it off of his Google Drive.

As of December 2017, the victim was able to list over 50 instances of the video being found online.

After several months of searching for the suspect, in April 2018 detectives were able to contact the suspect via phone. The suspect confirmed the details of his relationship and how and when the video was originally made, etc. About a year ago a friend of his called him and said that he was looking at a pornographic website and saw a video that appeared to have him in it. He realized that the video he made with the victim had somehow found its way to the internet.

The suspect was adamant that he deleted the video when they broke up and that he had never shared the video with anyone, uploaded it to any web sites, or distributed it in any way. He speculated that her copy of

the video may have been accessed by someone at some point. When asked about the inappropriate link on the victim's wedding RSVP site. He told me that he was aware that another former friend had done that, as a "fuck you" to the victim, over an unrelated dispute.

The case was referred to the District Attorney for their review.

**General description of any injuries, property or weapons involved:** None.

**Requested Report:** 2018-5364

**Date, time, and location of occurrence:** 7/16/2017 at 2:30 AM at 738 Cieneguitas Road.

**The date and time of a report:** 1/31/2018 at 2:10 PM

**The name and age of victim(s):** Confidential.

**The factual circumstances surrounding the crime or incident:** On 1/23/2018, Santa Barbara Police Department detectives assisted San Luis Obispo Police detectives with an investigation which involved victims from both Santa Barbara and San Luis Obispo counties. San Luis Obispo police detectives were investigating a series of thefts by an Uber driver and discovered that the driver had also sexually assaulted several victims. In the course of that investigation San Luis Obispo detectives obtained information about the driver's "Venmo" account (a peer-to-peer money transfer service) and was able to identify several people who were involved in transactions with him. One of these victims reported that one night in July, 2017, she was very intoxicated and took an Uber home. The next day she discovered that items had been stolen from her home, and later the Uber driver sent her revealing photos of herself that he apparently took when she was intoxicated. The incident occurred in Santa Barbara.

Santa Barbara Police detectives met with the victim and she reported that on July 15th, 2017, at about 1330, she and a friend went to the Santa Barbara Wine Festival on Cabrillo Boulevard. The two of them probably consumed at least two bottles of wine between the time they got there and 5:00 or 6:00 PM. They ate dinner, and later went to the James Joyce bar. Her memory of the evening and night is "spotty" overall due to her intoxication. She thought that they may have been at another bar but was not sure. A male friend was at the James Joyce as well. She recalled that they "shut down" the James Joyce and she was there until 2:00 AM or later. She knows that she was drinking throughout the night but was not sure how much she drank at the bar.

Based on her last recollections of being at the James Joyce, and the time when she woke up the next morning, she thinks that her memory gap is from roughly 0230-0630 that night. She had almost no memory of what happened during that time. At some point she lost the sandals she was wearing. She recalled being outside and seeing an "Uber" sign on the front of a car. She knew from talking with her friend later that she handed over her purse and left out of the back door of the bar and walked northbound on Fig Ave, but she did not independently recall that and did not know where she was when she got in the Uber. She remembers being in the back seat. She does not recall speaking with the driver. All she remembered about the driver was that he was a Hispanic male, in his 30s-40s, "short," and wearing a baseball cap. She recalled driving around in a car for what seemed like a long time.

The next thing she remembers is waking up in her bed. Her phone, purse and Fitbit were gone. She did not notice anything else out of place at her house at that point. She was wearing her Fitbit on her wrist before it went missing, and she thought it was very strange that it was gone, because it takes some effort to remove it. About three or four days after the Wine Festival, she received a friend request on Facebook. That Facebook profile sent her a message on Facebook messenger, "Hi Sara, how are you?" She was not sure how he had her Facebook name and later speculated that he may have looked at her phone and received the information that way. He sent her several messages: "I had fun with you the other night" or "I had so much fun with you;" "Do you remember? Here's photos;" "Do you want to do it again?"

The suspect sent her two photos. In both photos she is in the back seat of a car with a black interior. She appears to be "passed out." In one photo she is in a sitting position on the seat, on the driver side, "propped up" in the corner of the seat. Her right leg was extended and up on the seat and her legs were "open." Her skirt was pushed up, exposing her crotch. Her underwear was pushed to the side, exposing her vagina.

In the other photo she is lying down more, across the seats. Her head is back and her eyes are closed. Her legs are open and her vagina is exposed, as in the other photo. Her hand is in the area of her vagina and her head is back. She saw that she was wearing the skirt from that night and realized that something bad happened.

From the angle of the photos, it appears that that whoever took them was holding the phone / camera at a low angle in the back seat, about even in height with her waist at the time. She could tell from the photos that she was very drunk. She does not recall them being taken or the circumstances around them. She acknowledged that she may have been a "willing participant" but did not really know. He sent her additional messages, "You wanted this," and "This is you and me together." He did not say what actually occurred between them. When she received the photos she realized that something sexual probably happened with the driver, which was why she was sore the next day. She was upset that something sexual had apparently happened when she was so intoxicated.

He messaged her that he wanted to see her again. She asked him to please delete the photos, and told him that she didn't remember what happened. He replied that he would delete them. She deleted the photos and messages from her account and blocked his account. She recalled that his profile had pictures of a comic book character and pictures of the Joker and Batman, but no actual photographs of the account user. She later went back into her Facebook messenger account but everything had been deleted and she could not recover any photos or messages from the suspect. She received the messages and photos during a single, relatively brief conversation with him and has not communicated with him since.

She checked her bank statement and saw a Venmo transaction labeled "tip for a good man," for \$500. She knew that was a bogus charge so she reported it to her bank. She later realized that her phone was not updating to its cloud storage prior to the incident, so she did not have access to any photos, text messages, or anything else from the phone once she deleted them. She checked her Uber history on her phone, but it does not go back to last July.

She later saw a news story about the Uber driver who had been arrested. She figured out that he probably broke into her house via the rear door and stole the laptop from the house, stole her phone and Fitbit, went through her roommates' room, etc.

She searched for the Facebook profile on her phone, and showed me a photo of Batman and the Joker. She said that was the profile that sent her the photos of herself. I later took a screen shot of that profile and scanned it into the case, and contacted Facebook to preserve that account.

This case was forwarded to the San Luis Obispo District Attorney's Office, to be considered in their pending prosecution.

**General description of any injuries, property or weapons involved:** None.

**Requested Report:** 2018-56835

**Date, time, and location of occurrence:** 9/26/2018 at 3:10 PM at 1910 San Pascual St.

**The date and time of a report:** 9/26/2018 at 3:10 PM

**The name and age of victim(s):** Confidential.

**The factual circumstances surrounding the crime or incident:** On 9-26-18 the victim reported to detectives that she had broken up with her boyfriend and they were not getting along. They decided not to talk with each other anymore, and he blocked her on his social media accounts. A couple of months ago someone with an apparently anonymous Instagram account contacted her. It had her name in the bio. She wanted to know who was using her name, so she messaged that account. She received a response, "I've heard a lot about you," and she traded messages with the account. Whoever she was corresponding with eventually sent her a nude photo of herself, with the caption "Look familiar?" She continued to correspond with whoever sent the nude photo, but that person eventually blocked her. She tried to find the account again but found that the person had either deleted the account or changed the name of the profile.

She recognized the image as a nude photo that she took of herself when she was dating her now ex-boyfriend. She explained that he "pressured" her to send him the nude photo early in their relationship, in about November, 2017. She took the photo and sent the photo to him. She never shared the photo with anyone else, and never wanted him to share the image. She knows from talking with friends that he has shown the nude photos to friends of his.

On 9-28-18 she emailed me the image in question. It was posted on an Instagram profile with her name in the bio. The photo shows a girl's exposed breasts (her face is not visible in the photo) with the text "Look familiar?" She saved it as a screenshot on July 7th at 10:28 PM. I searched for that account but could not find an account with that name, indicating that the account has likely been taken down or renamed.

On 11-02-18 at 1030 I spoke with the suspect and he admitted that he had nude images of his ex-girlfriend on his phone at one point, but that he had deleted all of them. He never shared them with anyone. He did not have anything to do with the Instagram account and has not been messaging her or trying to communicate with her in any way. He told me that he still cared about her as a friend, but understood that they were no longer together and that she had various emotional problems. He was aware that other people had nude images of her and thought that a number of people might have been responsible for sending her the nude image. He had not communicated with her in several months.

The laws about child pornography, distributing "revenge porn," etc., were explained to the suspect. He was adamant that he did not have any nude images of her and had never shared any nude images of her.

Case closed; at this point it cannot be proven who sent the nude image to the victim.

**General description of any injuries, property or weapons involved:** None.